JANUARY 17, 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

| COUNTRY LIFE INSURANCE COMPANY, |) | |
|---------------------------------|--------|----------------|
| Plaintiff, |)) | |
| V. |) No. | 08 C 383 |
| BARBARA F. PIERCE, |) | |
| Defendant. |) | JUDGE ANDERSEN |

DEFENDANT'S NOTICE OF REMOVAL OF CAUSE

Defendant, BARBRA F. PIERCE, by and through the undersigned counsel, and pursuant to 28 U.S.C. §§1441 and 1446, hereby files her Notice of Removal, and in support thereof states as follows:

- 1. This action may be removed because it arises under the laws of the United States pursuant to 28 U.S.C. §1331. Specifically, the claims alleged in the Amended Complaint by Plaintiff, COUNTRY LIFE INSURANCE COMPANY, are governed by the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §1001 *et seq.* as they relate to an employee benefit plan and the entitlement to benefits thereunder.
- 2. Plaintiff's Amended Complaint in this matter was filed in the Circuit Court of the Nineteenth Judicial Circuit, in Lake County Illinois, Case No. 07-MR-1633, and sent out for service on Defendant on or about January 4, 2008.
- 3. 28 U.S.C. §1446(b) provides that any notice of removal must be filed within thirty (30) days after receipt of the pleading. Accordingly, the due date for the filing of Defendant's notice of removal is on or before February 3, 2008, and this Notice of Removal is timely filed.

- 4. A true and correct copy of Plaintiff's Amended Complaint is attached hereto and marked Exhibit "A." The Amended Complaint is the only pleading that has been filed with the Court and served upon Defendant at this time.
- 5. The Amended Complaint states that the underlying action is brought pursuant to a claim for long-term disability benefits under a group insurance policy ("Plan") issued by Plaintiff to Defendant's employees, which include Barbra Pierce. Complaint at ¶2. A true and correct copy of the Plan, entitled "Agents Group Insurance Plan," is attached hereto and marked Exhibit "B." Plaintiff is seeking declaratory relief that any administration of Defendant's claim or payment of benefits should be suspended. Complaint at ¶10.
- 6. The Plan was a group contract of insurance between Plaintiff and Defendant's employer to provide long-term disability benefits for employees, and constitutes an ERISA-governed "employee welfare benefit plan" as defined in 29 U.S.C. § 1002(1). Furthermore, Defendant is a "participant" under the policy as defined in 29 U.S.C. § 1002(7).
- 7. This Court has original jurisdiction over this matter under 29 U.S.C. §§1132 and 1144 and 28 U.S.C. §1331. Defendant is, therefore, entitled to remove this action to this Court pursuant to 28 U.S.C. §§1331 and 1441.
 - 8. Barbra Pierce is the only named defendant and no consent to removal is needed.

WHEREFORE, Defendant BARBRA F. PIERCE gives notice that this cause has been removed from the Circuit Court of the Nineteenth Judicial Circuit, Lake County, Illinois, to the United States District Court of the Northern District of Illinois, Eastern Division, pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446 and the Local Rules of the United States District Court, Northern District of Illinois, Eastern Division.

Respectfully submitted,

BARBRA F. PIERCE, Defendant

By: /s/ Mark D. DeBofsky
One of her attorneys

Mark D. DeBofsky Daley, DeBofsky & Bryant 55 W. Monroe St., Ste. 2440 Chicago, Illinois 60603 (312) 372-5200 FAX (312) 372-2778

CERTIFICATE OF SERVICE

The undersigned, attorney for Defendant, hereby certifies that he caused this **NOTICE**

OF REMOVAL OF CAUSE to be served on:

Keith G. Carlson Carlson Law Offices 218 N. Jefferson, Ste. 101 Chicago, Illinois 60661 (312) 627-1212 by ECF as indicated on January 17, 2008

/s/ Mark D. DeBofsky Mark D. DeBofsky